

REMARKS

This is a full and timely response to the non-final Office action mailed January 25, 2008. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Present Status of Patent Application

Upon entry of the amendments in this response, claims 1, 3-6, 9, and 10 are pending in the present application. More specifically, claims 3-6, 9, and 10 have been previously presented; claims 2, 7, and 8 have been canceled without prejudice, waiver or disclaimer; and claim 1 has been currently amended without introduction of new matter. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application if he so chooses, and does not intend to dedicate the subject matter of the canceled claims to the public.

Reconsideration and allowance of the application and presently pending claims are respectfully requested.

A. Allowable Subject Matter

Applicant thanks Examiner for allowing claim 9 and for also indicating that claim 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to this indication, Applicant has canceled claim 8 and incorporated all the subject matter of claim 8 into independent claim 1 thereby making claim 1 allowable. Consequently, Applicant requests withdrawal of the rejection of claim 1 under 35 U.S.C. 103(a) as described below, followed by allowance of the claim.

B. Claim Rejections under 35 U.S.C. §103

I. Statement of the Rejection

Claims 1, 3-5, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auracher et al. (US 6567439) in view of Chen (US 6384442).

Response to the Rejection

Claim 1

Applicant respectfully traverses the rejection of claim 1. However, Applicant opts to refrain

from providing reasons for the traversal in the interests of moving forward prosecution in the case and obtaining patent allowance on subject matter that is clearly allowable over the cited prior art. Applicant respectfully submits that claim 1 is allowable due to reasons described above. Consequently, Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 U.S.C. 103(a) followed by allowance of the claim.

Claims 3-5

Applicant respectfully submits that claims 3-5 are allowable by law at least due to claim dependency on allowable claim 1. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Consequently, Applicant respectfully requests withdrawal of the rejection of claims 3-5 under 35 U.S.C. 103(a) followed by allowance of these claims.

Claim 7

Applicant has opted to cancel claim 7 and submits that the rejection of this claim has been rendered moot as a result of the cancellation.

Claim 10

In rejecting Applicant's claim 10, the Office action admits that the cited prior art does not disclose the "*bias inductance/auxiliary component has a surface exposed to radiation from said back facet of the laser source and in that said surface is tilted laterally with respect to said lasing direction...*" However, the Office action then goes on to assert that: "*it would have been obvious to the one of ordinary skill in the art at the time the invention was made to provide an auxiliary component/bias inductance that does not reflect light to the laser in order to avoid interference with the signal of the laser.*"

Applicant respectfully traverses the rejection for several reasons. Firstly, Applicant traverses the Office action assumption that the auxiliary component is "a bias inductance." Such an assumption is erroneous because the auxiliary component of claim 10 can include various components such as a photodetector for example, and is not limited solely to an inductor. In this matter, attention is drawn to Applicant's specification wherein in page 2, lines 5-18 Applicant describes the rationale behind the orientation of the auxiliary component. This portion is cited below for easy reference:

Additional requirements arise as a result of the presence of the opto-electrical components. For instance, semiconductor lasers have a main or front facet from which a laser beam is generated that is to be injected into an optical waveguide along a substantially unimpeded propagation path. Such semiconductor lasers also currently have a back facet from which a

secondary laser beam is produced. The secondary laser beam may be collected and detected by an opto-electrical component, such as a photodiode, e.g. for control purposes. Undesired back reflection of such secondary laser beam towards the laser source must be avoided as this may interfere with proper laser operation.
(Emphasis added)

Applicant respectfully asserts that various applications in existing art do indeed use a photodetector (e.g. a photodiode) for carrying out light detection of a portion of a laser beam that is propagated out of a back facet of the laser. However, such a prior art photodetector is normally placed in line with the laser axis with a receiving surface oriented in a manner that may lead to reflections back into the laser. The Office action fails to point out where in the cited art can be found an objection to such a conventional configuration. To the contrary it can be argued that it in some cases it may indeed be beneficial to intentionally reflect, in a forward direction, light emitted by a laser backwards towards its rear portion, in order to allow the reflected light to reinforce light emitted out of the front facet of the laser. As is known to persons of ordinary skill in the art, several prior art lasers use mirrored walls as reflecting back facets for this very purpose.

However, contrary to such conventional configurations, Applicant's claim 10 is directed at reducing reflections resulting from various devices placed in the path of light emitted out of the back facet of a laser. The Office action fails to provide a rational reason as to why one of ordinary skill in the art would consider this aspect obvious.

In this matter, the MPEP provides several guidelines for rejecting a claim under 35 U.S.C. 103(a). Specifically, reference is made to MPEP § 2141. III Rationales To Support Rejections Under 35 U.S.C. 103, which states in part:

“Office personnel must explain why the differences(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. ... The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that “‘[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.’” *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396.”
(Emphasis added)

In contradiction to this MPEP directive, the Office action justifies the rejection of claim 10 by using a conclusory statement (*provide an auxiliary component/bias inductance that does not*

reflect light to the laser in order to avoid interference with the signal of the laser) that is not justified in an appropriate manner.

Consequently, for at least the reasons provided above, Applicant respectfully requests withdrawal of the rejection of claim 10 under 35 U.S.C. 103(a) followed by allowance of the claim.

II. Statement of the Rejection

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auracher et al. (US 6567439) in view of Chen (US 6384442) and further in view of Auracher et al. (US 20020085256).

Response to the Rejection

Claim 6

Applicant respectfully traverses the rejection of claim 6. However, Applicant opts to refrain from providing reasons for the traversal because the claim is allowable at least due to the fact that this claim is directly dependent on now allowable claim 1 and is consequently allowable as a matter of law. Consequently, Applicant respectfully requests withdrawal of the rejection of claim 6 under 35 U.S.C. 103(a) followed by allowance of the claim.

Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the reasons set forth above, Applicant respectfully submits that pending claims 1, 3-6, 9, and 10 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned representative at (404) 610-5689.

Respectfully submitted,

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I hereby certify that this paper is being electronically transmitted to the Commissioner for Patents on the date shown below:

Date of transmission: 14 April 2008

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